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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,956	10/31/2003	Martin Scholz	16104-014001 / 2003P00684	8804

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EXAMINER	
DUNN, DARRIN D	

ART UNIT	PAPER NUMBER
2121	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/698,956	SCHOLZ ET AL.	
	Examiner	Art Unit	
	Darrin Dunn	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07/102007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10/31/3003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to the communication filed on 07/10/2007.

2. Claims 1-20 have been presented for examination

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3, 5-7, 10,11, 14-15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hair (USPN 2004/0025037) in view of Cheshire (USPN 2005/0125545)

5. As per claims 1, 10, & 14, Hair teaches a method and a computer program product containing executable instructions that when executed comprise the steps of providing executable code from a server device to a client device that is capable of communicating with the server device, which code when executed blocks the client device from receiving user input during communications between the client device and the server device ([ABSTRACT], [0031 lines 1-5], [0095], [0122] e.g., server firmware/software instructs client device to suspend user intervention, i.e., providing executable code during execution of the transmission request, i.e., communication. Client device and server device provided via a network, demonstrating communication capability of client device with server).

However, Hair does not teach the limitations of causing a message to be presented to a user of a client device if communications between a client device and a server device lasts longer than a specific time. Cheshire teaches providing a user, after a certain time period has elapsed, a timeout message to be displayed by the operating system of application [0006 lines 8-16 e.g., timeout message]

Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify Hair as to inform a user of a timeout. Hair provides for locking a client computer during communication with a server. Cheshire provides for informing a user of a timeout via a display message. Since it is foreseeable that during a communication session a timeout may occur, and given that a client computer input is disabled during this time period, it would have been obvious to inform a user of a timeout occurring during a communication session as a commonly known means of apprising a user of a communication status.

6. As per claim 2, Hair teaches the method of claim 1 wherein the executable code is client-side framework code provided from framework code in the server device that controls communications between the server device and client devices ([0031], [0038], [0095]).

7. As per claim 3, Hair teaches the method of claim 1, further comprising providing the executable code in response to the server device receiving from the client device to launch an application program capable of initiating the communications ([0031], [0095], [0096], [0122], [0123] e.g., application program interpreted as Operating System that is instructed to communicate with Client via communication means).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hair (USPN 2004/0025037) in view of Cheshire (USPN 2005/0125545) and in further view of Sardesai et al (USPN 20040187104)

9. As per claims 4,12, and 17 Hair, as modified, does not provide wherein the message is an over-definition of a default message. However, Sardesi et al. teaches where a system administrator may custom design a message [0048 e.g., an over-definition is interpreted as a customized message].

Therefore, at the time the invention was made, one of ordinary skill in the art would have motivation to customize a message presented to a client. Hair provides for locking a client during a communication session. Cheshire provides for presenting a timeout message to a client. Given that a user may experience communication timeouts and/or application program errors during execution of a locking program, it is foreseeable that a user may require a status notification. A customized message provides an enhances benefit of tailoring status information to a user as to mitigate user confusion.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hair (USPN 2004/0025037) in view of Cheshire (USPN 2005/0125545) and in further view of Abrams et al. (USPN 6724732)

11. As per claims 5 and 16, Hair as modified, does not disclose wherein a communication lasts longer than the specific time due to network delays, server-side delays, or combinations thereof. However, Abrams et al. teaches dynamically adjusting timers based on network delays ([COL 2 lines 35-50]).

Therefore, at the time the invention was made, one of ordinary skill in the art would have motivation to modify Hair as to base the timeout value based upon network delay as taught by Abrams et al. Since a timeout message is based on a timeout value, and given that delays within a network are a foreseeable condition, it would have been obvious as to adjust a timeout based upon a network delay.

12. As per claim 6, Cheshire teaches the method of claim 1, wherein the communication lasts longer than the specific time when the client has not displayed a server response – timeout within the specific time ([0037).

13. As per claim 7, Hair teaches the method of claim 1, wherein the executable code ceases to block the client device from receiving user input after each communication has ended ([0122], [0125] e.g., at the point where the Controlling Client Software and/or Firmware has concluded its portion of the transmission, the user of the device is now able to play MP3 audio files – interpreted that the system has been released as to allow user input).

14. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hair (USPN 2004/0025037) in view of Cheshire (USPN 2005/0125545) and in further view of Taylor (USPN 6854012).

15. As per claims 9,13, and 19, Hair as modified, does not teach the limitations of claim 9. However, Taylor teaches setting the specific time based on at least one selected from the group consisting of : roundtrip time for a communication between the server device and the client device ([COL 17 line 17], typical roundtrip times for communications between the server device and the client [COL 17 line 43), a roundtrip time expected by at least one user of the client device ([Col 17 line 55]

Therefore, at the time the invention was made, one of ordinary skill in the art would have motivation to modify Hair as to base the timeout value based upon the aforementioned roundtrip values. Taylor teaches setting timeout values using round trip times. It is well known to base a timeout value on round trip times. Since round trip times may vary depending of certain network conditions, it would have been obvious to control a timeout value as a function of roundtrip time.

16. As per claims 11, Hair teaches a method comprising: receiving executable code provided from a server device to a client device; blocking, per the executable code, the client device from receiving user input during it communications with a server device; [0031], [0095], [0122] e.g., server firmware/software instructs client device to suspend user intervention, i.e., providing executable code during execution of the transmission request, i.e., communication or receiving executable code. Client device and server device provided via a network, demonstrating communication capability of client device with server).

However, Hair does not teach the limitations of causing a message to be presented to a user of a client device if communications between a client device and a server device lasts longer than a specific time. Cheshire teaches providing a user, after a certain time period has elapsed, a timeout message to be displayed by the operating system of application [0006 lines 8-16]

Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify Hair as to inform a user of a timeout. Hair provides for locking a client computer during communication with a server. Cheshire provides for informing a user of a timeout via a display message. Since it is foreseeable that during a communication session a timeout may occur, and given that a client computer input is disabled during this time period, it

would have been obvious to inform a user of a timeout occurring during a communication session as a commonly known means of appraising a user of a communication status.

17. As per claim 15, Hair teaches a computer system ([0041]) to perform operations comprising:

A server device with server-side framework code which when executed on the server device established a client-server framework for client-server communications ([0031], [0095], [0122] e.g. framework code interpreted as the controlling serving software and/or firmware to instruct Operating system to communicate with a Client Device); and a client device with client-side framework code provided from the server device, which client-side framework code when executed on the client device blocks the client device from receiving user input during client-server communications ([0032], [0038], [0122] e.g., framework code is interpreted as firmware/software capable of providing instructions and/or establishing communication with a client device, see [0095], [0087], where the code is transmitted to client for execution wherein execution blocks user input. Client execution of instructions from server accomplished via Controlling Client Software).

However, Hair does not teach the limitations of causing a message to be presented to a user of a client device if communications between a client device and a server device lasts longer than a specific time. Cheshire teaches providing a user, after a certain time period has elapsed, a timeout message to be displayed by the operating system of application [0006 lines 8-16]

Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify Hair as to inform a user of a timeout. Hair provides for locking a client computer during communication with a server. Cheshire provides for informing a user

of a timeout via a display message. Since it is foreseeable that during a communication session a timeout may occur, and given that a client computer input is disabled during this time period, it would have been obvious to inform a user of a timeout occurring during a communication session as a commonly known means of appraising a user of a communication status.

18. As per claim 18, Cheshire, teaches the computer system of claim 15, wherein the client-side framework code causes the message to be displayed on the client device ([0006 lines 8-16]).

19. As per claim 20, Taylor teaches the computer system of claim 15, wherein at least one roundtrip time for a communication between the server device and client device is recorded and the specific time is set based on the at least one roundtrip time ([Col. 7 lines 17-43]

20. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hair (USPN 2004/0025037) in.view of Cheshire (USPN 2005/0125545) and in further view of Nicholas III (USPN 2002/0057285).

21. As per claim 8, Hair as modified, according to claim 1, teaches executable code presenting a message on client device during one of the communications on the client device and further teaches that the executable code releases the client ([0122], [0125] e.g., At the point where the Controlling Client Software and/or Firmware has concluded its portion of the transmission, the user of the device is now able to play MP3 audio files – interpreted that the system has been released or blocked from user input).

However, it does not teach causing the client device to cease presenting the message after that communication has ended. Nicholas III teaches a step of extinguishing the message when the message could distract the user ([0017]).

At the time the invention was made, one of ordinary skill in the art would have motivation to remove the message indicator once communication as ended. Since a residual indicator could interfere with operation of the client device once user interaction has been re-established, there is motivation to further include this feature.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6850911 – Secure manipulation archiving retrieval and transmission system

20020019844 – Method and System for network distributed computing

20020069365 – Limited Use Browser and Security System

20020107040 – Latency Determination

20030065715 – System and Method of a wireless thin-client, server-centric framework

20040049696 – Communication System with Routing Controls

20040093372 – Challenge and response interaction between client and server

20050119967 – Information processing device and method

20070029380 – Method to disable use of selected applications

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darrin Dunn whose telephone number is (571) 270-1645. The examiner can normally be reached on EST:M-R(8:00-5:00) 9/5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DD
09/10/2007

Anthony Knight
Supervisory Patent Examiner
Art Unit 2121